

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

) MDL No. 1456
) Master File No. 1:01-CV-12257-PBS
) Sub-Category Case No. 1:08-CV-11200
)
)

THIS DOCUMENT RELATES TO:
*United States ex rel. Linnette Sun and Greg
Hamilton, Relators*
v.
*Baxter Hemoglobin Therapeutics; Baxter
International Inc.; Baxter Healthcare
Corporation*

) Judge Patti B. Saris
)
)
)
)
)

[PROPOSED] SCHEDULING ORDER

September 7, 2010

Saris, U.S.D.J.

WHEREAS, Relators Linnette Sun and Greg Hamilton ("Relators") filed their original Complaint on April 22, 2005 and a First Amended Complaint on June 14, 2005 in the U.S. District Court, District of Colorado;

WHEREAS, the First Amended Complaint was unsealed on January 15, 2008, and assigned Civil Action No. 05-cv-00736-WDM-MJW;

WHEREAS, the matter was transferred to the District of Massachusetts by the Judicial Panel Multidistrict Litigation on July 14, 2008 and assigned case No. 08-cv-11200-PBS;

WHEREAS, the case was consolidated with Case No. 01-cv-12257-PBS (MDL No. 1456) on July 15, 2008;

WHEREAS, Relators filed a Second Amended Complaint on August 13, 2010 in the United States District Court, District of Massachusetts;

WHEREAS, Defendant Baxter Healthcare Corporation filed an Answer to the Second Amended Complaint on August 26, 2010;

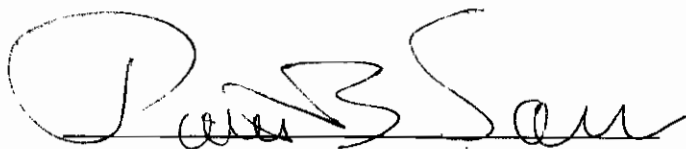
WHEREAS, Relators have agreed to voluntarily dismiss Defendants Baxter International, Inc. and Baxter Hemoglobin Therapeutics, leaving only Defendant Baxter Healthcare Corporation;

WHEREAS, counsel for the Relators and counsel for the Defendants have conferred, and would like to explore the possibility of a resolution of this matter through informal mediation prior to the start of discovery;

NOW THEREFORE, it is ORDERED, as follows:

1. Relators will provide Defendants with a formal demand by no later than August 31, 2010.
2. Relators and Defendants shall engage in informal mediation prior to October 29, 2010 in an attempt to resolve this matter.
3. All deadlines shall be stayed during the pendency of this mediation period.
4. Should mediation not be successful, the parties will, by no later than November 15, 2010, jointly propose a schedule to the Court for further proceedings.

So ordered.

A handwritten signature in black ink, appearing to read "Patti B. Saris", written over a horizontal line.

Judge Patti B. Saris